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09/410,462

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EXAMINER

ANGELL, JON E

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ANGELICA WILLIAMS, CARLA HEISE,  
MEISA PROPST, ADAM SAMPSON-JOHANNES,  
TERRY HERMISTON, and DAVID KIRN

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Appeal 2011-005161  
Application 09/410,462  
Technology Center 1600

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Before DEMETRA J. MILLS, ERIC GRIMES, and  
MELANIE L. McCOLLUM, *Administrative Patent Judges*.

McCOLLUM, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to a method for killing dividing endothelial cells. The Examiner has rejected claims as anticipated. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

### STATEMENT OF THE CASE

Claims 6, 7, 11, 15, 17, and 18 are on appeal (App. Br. 5).<sup>1</sup> Claims 11 and 15 are representative and are set forth in the Claims Appendix to the Appeal Brief (App. Br. 20-21). Claims 6, 7, 17, and 18 are not separately argued and therefore stand or fall with claims 11 and 15. 37 C.F.R. § 41.37(c)(1)(vii).

Claims 6, 7, 11, 15, 17, and 18 stand rejected under 35 U.S.C. § 102(e) as anticipated by Bischoff et al. (US 6,080,578, Jun. 27, 2000) (Ans. 3). We affirm the rejection for the reasons stated in the Examiner's Answer. In particular, we conclude that the Examiner has set forth a prima facie case of inherent anticipation, which Appellants have not rebutted, again for the reasons stated in the Examiner's Answer.

### TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

### AFFIRMED

cdc

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<sup>1</sup> Claims 8-10, 19, 20, 28, and 34 are also pending but have been indicated to be allowable (Final Rej. 4).